

HOUSE OF REPRESENTATIVES, December 31, 1864.

[By Mr. McCallum.

(2037)

SUBSTITUTE

For the Bill (H. R. 203) to protect the Confederate States against frauds, and to provide remedies against officers and employees of the government committing them.

1 *The Congress of the Confederate States of America do enact,*
2 That the President, by and with the advice and consent of the
3 Senate, shall appoint for each military department, one compe-
4 tent person, to be styled Inspector of such department, who
5 shall be commissioned, and have the rank, pay and allowances
6 of colonel of cavalry; and two assistants, who shall also be com-
7 missioned, and have the rank, pay and allowances of captains of
8 cavalry, and be styled Assistant Inspectors of such department.
9 Such Inspectors of Department shall be allowed two clerks, and
10 such Assistant Inspectors shall be allowed one clerk each, which
11 clerks for their services shall be allowed the sum of dol.
12 two per month and rations each.

1 *Sec. 2.* Each of said Inspectors and Assistant Inspectors,
2 shall, before entering upon the discharge of their duties, take
3 and subscribe the following oath of office: "I, ———, having
4 been duly appointed Inspector or Assistant Inspector to the care
5 may be of (such) department of the army of the Confederate
6 States of America, do solemnly swear that I will in all things,

7 according to my best ability and understanding, faithfully and
8 impartially discharge the duties of my said office, as required by
9 law, without fear, favor, affection or ill will, so help me God;"
10 which oath may be taken before any judicial officer having
11 authority to administer oaths, and shall be endorsed upon his
12 commission, and a duplicate thereof filed in the office of the Sec-
13 retary of War.

1 SEC. 3. It shall be the duty of each inspector of department,
2 with the aid and assistance of their assistants, from time to time,
3 and at least as often as once in every fiscal quarter, carefully
4 and thoroughly to examine and inspect the official affairs of
5 every quartermaster and commissary within his department, as
6 well those serving at posts and depots, as those serving with
7 any army, army corps, division, brigade, regiment, battalion or
8 detachment of troops in the field. In such inspections, said in-
9 spectors and their assistants, shall ascertain—the amount of mo-
10 ney and property received by each such quartermaster and com-
11 missary, for or on the account of the government; when, where
12 and from whom received; if money, the kind of funds received;
13 if property found, not in the possession of any one, when, where
14 and under what circumstances found, and when entered upon
15 their rolls; amount of money expended, for what expended,
16 when expended, to whom paid, and the amount remaining on
17 hand, carefully examining every voucher, and where any doubt
18 arises, requiring additional proof in relation thereto, noting all

19 defects and deficiencies; they shall, in person, carefully exam
20 ine and inspect the property, and all accounts of every such quar-
21 termaster and commissary, noting the number, kind and charac-
22 ter of property, and the condition thereof, and also examine
23 every invoice, receipt, roll, bill or other voucher in relation to
24 such property, and if alleged by any such quartermaster or com-
25 missary to have been by him purchased, noting the price of each
26 article, when, where and of whom purchased; and as to proper-
27 ty turned over by other officers, when, where and by whom turn-
28 ed over, comparing the articles with the invoices, and as to
29 property found and taken up upon roll, comparing such property
30 with such roll; in every such case noting any defect or discrep-
31 ancy. And in case of any deficiency, enquire into the manner
32 in which such deficiency occurred, examining the vouchers there-
33 for. And where it shall be ascertained that such defect has occurred
34 by death, by being worn out, captured by the enemy, abandoned
35 or expended, such inspectors and their assistants shall have the
36 right to demand, and in case of doubt shall demand, evidence
37 other than the statement or certificate of any such quartermas-
38 ter or commissary. Such inspectors and their assistants shall
39 also carefully examine into the accounts and vouchers of all such
40 quartermasters and commissaries, and into their manner of trans-
41 acting business and keeping accounts thereof, and if they in all
42 respects conform to the requirements of the Army regulations
43 and orders as to their several departments, noting all variations

44 from and violations of the same. They shall also enquire,
45 whether any such quartermaster or commissary has himself, or
46 by or through any clerk, sergeant, agent, partner, attachee, em-
47 ployee, or any other person, been engaged, either directly or in-
48 directly, in any speculation in any commodity or article of pro-
49 perty whatever; and whether any such quartermaster or com-
50 missary has bet any money or property upon any game whatso-
51 ever. They shall also ascertain the names of all persons in ser-
52 vice with every such quartermaster and commissary, the nature
53 of the service performed by each, whether as clerk sergeant,
54 agent, messenger, courier, wagon-master, forage-master, team-
55 ster, butcher, laborer or servant, and the company and regiment
56 to which each belongs, or if still a citizen, within the ages of
57 conscription, and whether such persons are or are not apparent-
58 ly able bodied men fit for service in the ranks. Such inspectors
59 and their assistants shall also ascertain within their respective
60 departments, the names and locality of all men unfit from any
61 cause for service in the ranks, and who are fit and willing to
62 take service in either of the departments of quartermaster or
63 commissary, and their qualifications for such service. They
64 shall also enquire into the manner in which the supplies and is-
65 sues are obtained and made by such quartermasters and commis-
66 saries; whether issues are made regularly, in sufficient quanti-
67 ties, and of proper quality; and if not, the cause or causes
68 therefor.

1 Sec. 4. Every quartermaster and commissary shall, upon
2 the demand of the inspector, or either of the assistant inspec-
3 tors of the department within which he is serving, afford to

4 such inspector or assistant inspector, every necessary facility,
 5 aid and information to enable them to make the inspections
 6 by this act required; and shall exhibit to such inspector or
 7 assistant inspector, all their public monies, official books and
 8 papers of every kind whatsoever; and, upon refusal to do so,
 9 shall be immediately reported to his commanding officer, who
 10 shall, without delay place him in arrest and cause him to be
 11 tried by a court martial upon charge for disobedience of orders,
 12 and the inspector shall proceed with his inspection, as far as
 13 he can without the assistance of such quartermaster or commis-
 14 sary.

1 SEC. 5. The assistant inspectors shall be subject to the or-
 2 ders and directions of the inspector of the department in
 3 which they serve, and the Secretary of War may, at such times
 4 as he may deem advisable, cause such inspectors and assistant
 5 inspectors to alternate from one department to another, in per-
 6 forming the duties required of them in this act. Each inspector
 7 and assistant inspector, in case of such alternation, shall have
 8 the same powers and rights, and shall perform the same duties
 9 in the department to which he shall be thus sent, as in the de-
 10 partment for which he may have been appointed.

1 SEC. 6. Each inspector of department shall make full and
 2 particular detailed reports of all inspections made by himself
 3 and his assistants to the Secretary of War, which reports shall
 4 be in duplicate, one to be forwarded to the Secretary of War,
 5 and the other to be delivered to the commandant of the de-
 6 partment within which such inspection shall have been made.

1 SEC. 7. If it shall appear by any such report, of any inspec-
 2 tor of department, that any quartermaster or commissary in

3 such department has been guilty of any malfeasance in office,
4 or shall have been in any way, directly or indirectly, engaged
5 in any speculation in any commodity or property whatsoever,
6 or shall be guilty of embezzling any property or money of
7 the Government, or shall be a defaulter to the Government for
8 any amount, or shall have bet any money or property upon any
9 game, or shall have been interested in any such bet, or shall be
10 for any cause incompetent for the discharge of his official du-
11 ties, or shall be addicted to drunkenness, it shall be the duty of
12 the commander of such department to cause any such quarter-
13 master or commissary to be immediately suspended from the
14 performance of the duties of his office, placed in arrest, and
15 tried by a court martial upon charges to be preferred by any
16 such inspector or assistant inspector, or any other commissioned
17 officer; and, if upon trial, any such quartermaster or commis-
18 sary shall be found guilty of an embezzlement of any money,
19 or property of the Government, or found to be a defaulter to
20 the Government or of having been so engaged in any defalcation,
21 or to have bet money or property upon any game, or been
22 interested in any such bet, he shall be cashiered; and if found
23 to be incompetent to discharge the duties of his office by rea-
24 son of mental incapacity, ignorance, or want of business quali-
25 fications, or intemperate habits, he shall be dismissed from his
26 office, and in all such cases of conviction, they shall be imme-
27 diately conscribed and placed in the ranks of the infantry, if
28 within the age of conscription, and physically able to do duty
29 in that arm of the service, if not so able, they shall be put to
30 such service as a private, as they may be physically able to
31 perform, and suit shall be instituted against their securities

82 upon their official bonds, for any default whatsoever, which may
83 be within the condition of such bond.

1 Sec. 8. If it shall appear by any such report of inspection,
2 that there are able bodied men in the employ of any such
3 quartermaster or commissary, and that there is in such depart-
4 ment; disabled men who are qualified and willing to perform
5 the duties in said quartermaster and commissary department,
6 the department commander shall cause such able bodied men, if
7 belonging to companies, to be at once returned to their respec-
8 tive commands, when practicable, if not practicable by reason
9 of the absence of such command from such department, or if
10 such able bodied men do not belong to any command, and are
11 within the area of conscription, such department commander shall
12 cause them to be placed in service with some company within
13 his department, and the places of all such able bodied men shall
14 be supplied by such disabled men, or men not fit for service in
15 the ranks, as may be able and qualified for such service.

1 Sec. 9. The lesser quartermaster and commissary, as used
2 in this act, shall be held to include officers of every rank, in
3 those several departments, who are exercising the functions of
4 such office.

1 Sec. 10. It shall not be necessary for any of said inspectors
2 or their assistants, as aforesaid, to any quartermaster or commissary,
3 any notice of any such inspection, but such inspections may be
4 made at such times as may be deemed proper in the perform-
5 ance of inspection duties, without announcement in accordance
6 to any such provisions as aforesaid.

1 Sec. 11. If any such inspector or assistant inspector, after
2 having entered upon the discharge of his duties as such, shall

3 wilfully fail, neglect or refuse to make the inspection and re-
4 ports thereof, or any one of either, as required by this act, or
5 shall, through any fear, favor or affection, or for any reward, or
6 for the promise or hope thereof, fail, neglect or refuse to make
7 true and faithful reports of acts of malfeasance, defaults, embez-
8 zlements, or other improper acts in office, by any such quarter-
9 master or commissary, whose affairs it shall become his duty to
10 inspect as provided by this act; or if any such inspector or
11 assistant inspector, shall, through any ill will, prejudice, or for
12 any other cause, wilfully make any false report as to any such
13 matters, he shall, upon conviction thereof by a court martial,
14 be cashiered, or suffer such other punishment as may be ad-
15 judged by the Court trying the case.

1 SEC. 12. It shall be the duty of the Secretary of War to
2 cause the inspections and the reports thereof required by this
3 act, to be promptly made, according to such form as he may
4 prescribe.